

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7264

BILL NUMBER: SB 420

DATE PREPARED: Jan 4, 2002

BILL AMENDED:

SUBJECT: Public Officers Compensation Commission.

FISCAL ANALYST: Mark Goodpaster

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill establishes the Public Officers Compensation Commission. It allows the Commission to adopt rules to set the salaries of the justices of the Supreme Court, the judges of the Court of Appeals, the judge of the Tax Court, and the judges of the circuit, superior, probate, and county courts. It permits the General Assembly to establish salaries by statute and to void a salary rule of the Commission. It removes current salaries of judicial officers from statute.

Effective Date: Upon passage.

Explanation of State Expenditures: This Commission would include 11 members selected by legislators, judges, and the Governor. Both the Legislative Services Agency and the Indiana Judicial Center would provide administrative support for the Commission, and the Indiana Judicial Center would provide research and other support upon request of the Legislative Services Agency.

The Commission would meet at least twice during each year. In at least one meeting before April 1 of each odd-numbered year, the Commission members would receive information, take testimony, and consider recommendations relating to the salaries of judges. And, in at least one meeting between March 31 and July 1 of each odd-numbered year, the Commission would adopt final rules based on proposed recommendations developed during the first series of meetings. The Commission may also meet at other times as the Commission considers necessary.

Commission members are entitled to a per diem salary (currently \$75 for lay members), reimbursement for traveling expenses at \$.345 per mile, and other expenses actually incurred in connection with the member's duties.

An appropriation would be given to the Legislative Services Agency for operating the Commission.

Background: Under current law, the salaries of magistrates and prosecuting attorneys are linked by statute with the salaries of trial court judges. Consequently, changing the salaries of trial court judges would also change the salaries of these other court officers.

The salaries of magistrates are defined in statute as 80% of the salary of a trial court judge (IC 33-4-7-9.1). The salaries of juvenile court magistrates are also 80% of the salary of trial court judges, but the county pays \$41,393 of the total salary (IC 33-13-12-8.2).

The salaries of the prosecuting attorneys are the same as the salaries of the judges of the circuit court (IC 33-14-7-5). Prosecuting attorneys may elect to work part-time. If they do, then their salary will either be 60% or 66% of the salary of a full-time prosecuting attorney, depending on whether there are correctional facilities or state mental facilities located in the county in which they serve.

Deputy prosecuting attorneys who are paid by the state may also elect to work on a part-time basis. Part-time deputy prosecuting attorneys are paid 75% of the salary of prosecuting attorneys (IC 33-14-7-2).

The following table shows the number of judicial officers who would be affected by this bill.

	No. of Officers	Current Salary
Supreme Court Justices	5	\$115,000
Court of Appeals Judges	16	\$110,000
Trial Court Judges	296	\$90,000
Magistrates	49	\$72,000
Juvenile Court Referees	17	\$30,607
Prosecuting Attorneys		
Full-Time	66	\$90,000
Part-Time @ 66%	11	\$59,400
Part-Time @ 60%	13	\$54,000
Deputy Prosecuting Attorneys		
Full-Time:	66	\$67,500
Deputies @ 66%	24	\$44,550
Deputies @ 60%	22	\$40,500
Total Number of Officers	585	

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Legislative Services Agency, Indiana Judicial Center.

Local Agencies Affected:

Information Sources: 2000 Indiana Judicial Report.